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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/848,748

Applicant(s)

CHRISTENSEN ET AL.

Examiner

Joseph D. Wong

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claim 11-15 are interpreted as invoking 35 USC 112, 6<sup>th</sup> paragraph as invoked by Page 9 of the instant arguments. Claims 16-21 are amended.

### ***Response to Arguments***

After careful review of the instant remarks, this action is made non-final because new grounds of rejection or objection are asserted that were not necessitated by the instant claim amendment.

Objection to claim 21 is withdrawn.

Arguments with respect to rejections of claims 1-21 are considered when deemed not entirely persuasive they are maintained and when persuasive they are withdrawn.

While the instant hybrid process aspect of claim 16 is withdrawn. Note the nonstatutory rejection of claim 16 is maintained because the software per se aspect is maintained. One aspect of a nonstatutory rejection based on a tangible result is withdrawn in view of a clarification of interim guidelines but because a software per se ground remains, the nonstatutory rejections are maintained for claims 11-16 or uniformly reconsidered for claims 1-5 and 21.

The argument that claims 11-15 are statutory because they invoke 35 USC 112, 6<sup>th</sup> paragraph is considered. This argument is ineffective at overcoming the rejection under 35 USC 101 of software per se because the instant specification recites preferred mode appearing to be software per se in paragraphs [0029-0032]. The argument does not address what physical articles or hardware elements respond to the issue of software per se.

On Page 10, the argument that the rejection of claim 11 is incorrect as a matter of law has been carefully evaluated using the citation provided. The argued criteria of MPEP 2106.01 (September 2007) specifically states: "**when a computer** program is used in a computerized process **where the computer executes** the instructions set forth in the computer program". The very MPEP citation being asserted leads to an unfavorable evaluation of claim 11 because instant claim 11 does not meet every condition of Applicant's cite. Instant claim 11 presently lacks recitation of a physical article of a "**computer**" and it does not positively recite a physical article doing something such as "**executes**". Accordingly, claim 11 remains in an instantly rejected state because the favorable outcome being referenced on Page 11 of a statutory finding is not applicable when the claim is not commensurate.

On Page 11, the argument incorrectly characterizes the silence of the Examiner when it says "Examiner has already found that the computer program...is otherwise statutory". Examiner has not made any such statement.

The argument further states that the rejection is traversed because "identical invention is not shown by Rangnekar". The remarks quote a portion of MPEP 2131.00 as most favorable to the position of Applicant. The "identical" analysis appears partial as observed in the September 2007 edition of MPEP, Page 2100-67, Col. 1, Line 43-45 which also provide "expressly or **inherently described**, a single prior art reference" or Col. 2, Lines 10-12 which assert "**identity of terminology is not required**".

On Page 12, the argument asserts "**using the legacy data base management system**". A careful string search of claims 1-21 finds that this phrase is not commensurate with the instant

claims because the one occurrence of the word “using” refers to a “standardized object-based programming language” in claim 11 not “the legacy database management system”.

On Page 12, the arguments merely allege “can only be based upon clearly erroneous findings of fact and incorrect application of controlling law” which is a blanket assertion lacking any evidence.

The argument alleges that the Examiner has impermissibly attempted to be his own “lexicographer”. This argument is incorrect because whenever the Applicant does not fully meet the requirements of becoming one's own lexicographer by clearly defining each term, then it is the Examiner who is permitted to choose an appropriate definition from any dictionary or prior art reference. On Page 13, the instant argument cites the specification yet the definition cited is ineffective because it does not clearly redefine the claimed term of “terminal” because cite expresses a mere preference for a different term of “internet terminal”.

The arguments allege that the Office Action has “ignored Applicant's definitions and those commonly utilized in the art, for definitions manufactured **solely** to enable application of Rangnekar to Applicant's claims”. These arguments are not convincing because they do not respond with a formal citation of the instant specification providing clear redefinition of any term.

This allegation that “Rangnekar has **nothing** to do with claimed invention” is merely rebutted. The Rangnekar appears relevant because it expresses the same commercial endeavor of travel reservation as expressed by Lai 2005/0044197.

Regarding the allegation that the Office is “truly confusing”. This Office Action sets forth the issues of record and does not require any further clarification.

On Page 15, the argument alleges that Rangnekar ignores the limitation of "if and only if specified in said service request". This argument is rebutted because the argument the condition of "if and only if" is met when Rangnekar explicitly teaches "only if" which appears narrower than "if" and the conditional is deemed to be met. The Examiner's search notes refer to a consultation involving another Examiner and thus the application of Rangnekar was applied with care and consensus.

On Page 17, the argument that Rangnekar does not teach "receiving said service request" is not consistent with the travel reservation process necessarily being approved or completed. The allegation that Rangnekar does not teach a terminal is incorrect because the ATM meets the limitation of a terminal and a travel service provider meets the limitation of a "legacy data base management system" because there is no evidence that the travel service providers can agree or afford to uniformly upgrade to contemporary database systems.

The argument that the network is private does not necessarily contradict the network being "publicly accessible". Mere ownership being private still meets the limitation of publicly accessible as long as the ATM is used by the public or if the network is owned by a common network carrier or a private bank which is required to offer service the public. Evidence rebutting the argued position arises from the rationale that virtual private networks implement a private network on a public network using a overlay protocol involving cryptography.

Page 22 of the argument states that it is unknown why the Examiner finds that the ".pl" in the Window bar of Fig. 16-17 shows the claimed "terminal which generates a user request". The argument does not address the Examiner's position that a browser performs the function of a terminal with respect to a web server.

Accordingly, all rejections with respect to the prior art are maintained.

A proper terminal disclaimer has not been provided in response to obvious type double patenting rejections. The instant response does not respond to each and every ODP rejection some include a secondary reference of Winter. Accordingly, all rejections with respect to obvious type double patenting are maintained.

### ***Information Disclosure Statement***

In the first page and first paragraph of the specification, the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

The specification is belatedly objected to because the amendment dated 27 September 2006 recite blanks and the amendment dated 18 January 2007 did not correct this. Applicant's amendments to the specification do not correct the application numbers.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1-5, 11-21 are rejected for being directed towards nonstatutory subject matter.**

Claims 1, 11, 16 and 21 are directed to an apparatus that appears to consist of software per se because every element appears to have software-only version. Software per se is not one of the four categories of invention and therefore claims 2-5, 12-15, 17-20 and 21 are not statutory. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter. The claim provides for multiple "means of" however the Instant Specification recites capabilities that appear to be implemented using algorithmic or software means in paragraphs [25-37]. Since a physical article is neither positively recited within the claim nor positively recited within every disclosed embodiment, doubt is raised as to what whether every article within the claim is abstract or an abstract manipulation thereof.

Rejections of claims 1-5 and 21 are new and not necessitated by claim amendment.

Applicants can look to MPEP 2106.01-2106.02 (September 2007), Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, Instant Specification, and contemporary case law with a matching fact pattern for further suggestions that may be helpful in overcoming these rejections.



***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rangnekar, US**

**Pre-Grant Pub. No. 2005/0192851 A1, filed 26 Feb. 2004, Pub. Date 1 Sep. 2005.**

Regarding claim 1, Rangnekar teaches an apparatus comprising:

- a. a terminal which generates a user request in a standardized object-based command language for access to a data base; (interpreted to include “ATM., End User”, Fig. 5B, Fig. 2, [0123]; where an automatic teller machine is used as a terminal)
- b. a legacy data base management system responsively coupled to said terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset within said data base; (interpreted to include “centralized reservation system”, [007], [142])
- c. a conversion facility for conversion of said standardized object-based command language to said nonstandardized command language (interpreted to include “HTML”, [118-119]; Figs. 18-19); and

d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal and which modifies said dataset if and only if specified in said service request. (interpreted to include “XML document is updated at a financial services system server only if there is a change in the city data”, [118-119], [125-126], [138])

Regarding claim 2, Rangnekar teaches the apparatus wherein said terminal is coupled to said legacy data base management system via a publicly accessible digital data communication network. (interpreted to include “internet based websites such as Expedia...Priceline”, [11], [7])

Regarding claim 3, Rangnekar teaches the apparatus wherein said user request specifies said dataset. ([8-9])

Regarding claim 4, Rangnekar teaches the apparatus wherein said publicly accessible digital data communication network further comprises the Internet. ([11])

Regarding claim 5, Rangnekar teaches the apparatus of wherein said standardized object-based command language further comprises a commonly available command language. ([107])

Regarding claim 6, Rangnekar teaches a method of utilizing a terminal to access a legacy data base management system having a data base employing a non-standardized command language comprising:

a. transmitting a service request in a standardized object based command language from said terminal requesting access to said data base of said legacy data base management system (interpreted to include “prints your itinerary”, Fig. 24; [40], [86]);

b. receiving-said service request by said legacy data base management system; (interpreted to include “GDS”, “Apollo Galileo”, “Amadeus”, [92])

c. converting said service request in said standardized object-based command language into said non-standardized command language; (interpreted to include “converted to a query that is understandable by CRS 30”, [142], where CRS is a legacy system such as shown above)

d. honoring said service request by executing said nonstandardized command language to access a dataset from said data base by said legacy digital data base management system; and e. modifying said dataset if indicated by said service request. (interpreted to include “charge the transaction....routed to the built-in printer at ATM12 for printing...”, [150])

Regarding claim 7, Rangnekar teaches a method wherein said dataset is specified by said service request. (Fig. 25, see top reverse highlight)

Regarding claim 8, Rangnekar teaches a method wherein said transmitting step occurs over a publicly accessible digital data communication network. (interpreted to include “internet”, box 4 from top left corner, Fig. 2)

Regarding claim 9, Rangnekar teaches a method according wherein said publicly accessible digital data communication network further comprises the Internet. (interpreted to include “Internet Explorer”, [118])

Regarding claim 10, Rangnekar teaches a method according to claim 9 wherein said standardized object-based command language further comprises-a commonly used command language.

Regarding claim 11, Rangnekar teaches an apparatus for providing access to such legacy data base management systems using a standardized object-based programming language to efficiently provide a resultant report comprising:

- a. permitting means for permitting a user to transfer a service request defined by a standardized object-based command language;
- b. offering means responsively coupled to said permitting means via said publicly accessible digital data communication network for offering legacy data base management services involving access to at least one dataset having a nonstandard scripted command language;
- c. converting means responsively coupled to said offering means for converting said service request from said standardized object-base command language to said nonstandardized scripted command language;
- d. modifying means responsively coupled to said offering means for modifying said dataset if so indicated by said service request; and
- e. providing means for providing said resultant report to said user.

Regarding claim 12, Rangnekar teaches an apparatus wherein said dataset is specified by said service request. (Fig. 22)

Regarding claim 13, Rangnekar teaches an apparatus further comprising means located within said permitting means for generating a second service request. (Figs. 22-23)

Regarding claim 14, Rangnekar teaches an apparatus wherein said offering means further comprises a commercially available data base management system.

Regarding claim 15, Rangnekar does not explicitly teach an apparatus wherein said permitting means further comprises an industry standard personal computer. ([170])

Regarding claim 16, Rangnekar teaches a data processing system *comprising* a terminal which generates a service request in a standardized object-based command language; to a legacy

data base management system which accesses a dataset to honor said service request by executing a non-standardized command language responsively coupled to said terminal,

c. a conversion facility *located within* said legacy data base management system which converts said service request from said standardized object-based command language (interpreted to include “Perl using COM”, [207]) to said non-standardized command language; and (interpreted to include “CRS”, [207])

b. a facility which modifies said dataset only if indicated by said service request. (interpreted to include “Cancelled means that this transaction was cancelled upon the customer’s request”, [220])

Regarding claim 17, Rangnekar teaches the data base management system wherein said dataset is specified by said service request.

Regarding claim 18, Rangnekar teaches the data base management system wherein said terminal is responsively coupled to said legacy data base management system via a publicly accessible digital data communication network. (interpreted to include “internet”, see left most box “End User->Internet” in the two o’clock position away from the left most box, Fig. 2)

Regarding claim 19, Rangnekar teaches the data base management system wherein said publicly accessible digital data communication network further comprises the Internet. (see left most box “End User->Internet” in the two o’clock position away from the left most box, Fig. 2)

Regarding claim 20, Rangnekar teaches the data base management system wherein said standardized object based command language further comprises a commonly utilized command language. (interpreted to include “Perl using COM architecture”, [207])

Regarding claim 21, Rangnekar teaches an apparatus for accessing a database comprising:

- a. a terminal which generates a user request in a standardized object-based command language which specifies access to a dataset within a data base; (interpreted to include “.pl”, see top Window bar of Figs. 16-17, the “.pl”. extension suffix whose dictionary definition is read in light of paragraph [207, 210] reciting “Perl” and a definition observed in Wikipedia.org)
- b. a legacy data base management system responsively coupled to said terminal via a publicly accessible digital data communication network (interpreted to include “End User->internet”, Fig. 12) which honors said user request by execution of a non-standardized command language to produce a result from said dataset; (interpreted to include “request via Phone”, “Agents 2-5...travel desk”, Fig. 5B)
- c. a conversion facility for conversion of said standardized object-based command language (interpreted to include “.pl” in Fig. 29, where “.pl” extension is defined as invoking the language of PERL whose dictionary definition is read in light of Wikipedia.org or beginner PERL tutorial at PERL.com) to said nonstandardized command language (interpreted to include “CRS”, Fig. 35, the centralized reservation system includes legacy systems which are interpreted as meeting the negative limitation); and
- d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal and which modifies said dataset if and only if specified in said service request ([142], [145], [155], [161])

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

#### (a) One-Way Obviousness

If the application at issue is the later filed application or both are filed on the same day, only a one-way determination of obviousness is needed in resolving the issue of double patenting, i.e., whether the invention defined in a claim in the application would have been anticipated by, or an obvious variation of, the invention defined in a claim in the patent. See, e.g., *In re Berg*, 140 F.3d 1438, 46 USPQ2d 1226 (Fed. Cir. 1998) (the court applied a one-way test where both applications were filed the same day). If a claimed invention in the application would have been obvious over a claimed invention in the patent, there would be an unjustified timewise extension of the patent and an obvious-type double patenting rejection is proper. Unless a claimed invention in the application would have been >anticipated by, or< obvious over a claimed invention in the patent, no double patenting rejection of the obvious-type should be made, but this does not necessarily preclude a rejection based on another type of nonstatutory double patenting (see MPEP § 804, paragraph II.B.2.).

Similarly, even if the application at issue is the earlier filed application, only a one-way determination of obviousness is needed to support a double patenting rejection in the absence of a finding: (A) of administrative delay on the part of the Office causing delay in prosecution of the earlier filed application; and (B) that applicant could not have filed the conflicting claims in a single (i.e., the earlier filed) application. See MPEP § 804, paragraph II.B.1.(b).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1, 6, 11, 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/848,758. These applications are filed on the same day thus only a one-way obviousness test is needed. A user session is deemed an obvious variation of a user terminal because although the scopes are different the user session anticipates the user terminal but not necessarily vice versa. Although the claim scopes differ slightly, the issue is the overall degree of overlap in between the claim scopes.

This is a provisional obviousness-type double patenting rejection.

Claim 1, 6, 11, 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/848,470. Adding an element of a parameter object responsively coupled to said legacy data base management system which provides definition is not because adding a variable would surely be an obvious feature to add to a database management system especially one with a standardized object-based command language would appear supportive of such.

This is a provisional obviousness-type double patenting rejection.

Claim 1, 11 and 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 11 copending Application No. 10/848,899. These applications are filed on the same day thus only a one-way obviousness test



is needed. A user session is deemed an obvious variation of a user terminal because although the scopes are different the user session anticipates the user terminal but not necessarily vice versa. Although the claim scopes differ slightly, the issue is the overall degree of overlap between the claim scopes.

This is a provisional obviousness-type double patenting rejection.

Claim 1, 11 and 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 11 of copending Application No. 10/848,901. Adding an element of a parameter object responsively coupled to said legacy database management system which provides definition is not because adding a variable would surely be an obvious feature to add to a database management system especially one with a standardized object-based command language would appear supportive of such.

This is a provisional obviousness-type double patenting rejection.

Claim 1, 11 and 16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 11, 16 of copending Application No. 10/849,469. Limiting a command-language to being object based and necessarily linking a modification to a request are obvious in view of Winter, US Pre-Grant Pub. No. 2004/0226027 A1, Filed 6 May 2003, Pub Date 11 Nov 2004.

This is a provisional obviousness-type double patenting rejection.

Claims 1, 6, 11, 16 and 21 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, and 6 of US Patent No. 6,721,722.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims appear to recite narrow dependencies that cause the claim scope of the older application to overlap with the new application. The newer application is being examined so only a one-way obvious test is sufficient. A commercially available browser meets the limitations of a terminal and the internet surely meets the limitations of a publicly accessible digital communications network.

Claims 1 and 2 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6 and 10 of US Patent No. 7,013,341. Although the conflicting claims are not identical, they are not patentably distinct from each other because the application with the earlier filing date recites an additional element (e) of a notification module. This is not patentably distinct absent evidence of criticality or to the contrary is deemed obvious an variation.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is 571-270-1015. The examiner can normally be reached on Mon.-Thur. 8:30AM - 6:00PM and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

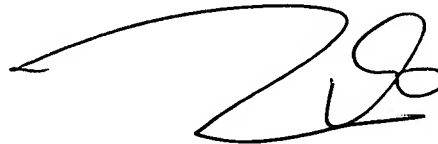
Application/Control Number:  
10/848,748  
Art Unit: 2168

Page 18

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Joseph D. Wong  
TTV/jdw  
/JDW/  
19 December 2007

Tim T. Vo  
SPE, Art Unit 2168

A handwritten signature in black ink, appearing to be 'T. Vo', with a long horizontal stroke extending to the left.

TIM VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100